

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

CHAP. 197. the sum of fifty dollars each, to the city, town or plantation wherein the neglect occurred. Said fine shall be recovered in an action of debt, to be prosecuted by the treasurer of the city, town or plantation; or by any citizen thereof when said treasurer shall be a member of the delinquent board.

Penalty for neglect of any constable, or other person, legally required to summon qualified voters.

SECT. 2. If any constable, or other person, when legally required, shall neglect to summon the qualified voters of any city, town or plantation, to assemble at any meeting for the choice of any officers mentioned in section first, or to make due return of the warrant under which such service was performed, he shall forfeit and pay, the sum of twenty-five dollars, to the city, town or plantation, for each and every such neglect; to be recovered as is provided in section first.

Penalty of city, town or plantation officers for neglect of duty.

SECT. 3. Any city, town or plantation officer who shall neglect to perform any duty which he is by law required to perform, shall forfeit a sum not exceeding twenty dollars, for every such neglect, to be recovered in the manner, and to the uses provided in the first section of this act; *provided* that this section shall not apply to any neglects for which a penalty is provided by any law now in force.

[Approved July 29, 1846.]

Chapter 197.

An act for the prevention and punishment of the willful and malicious obstruction of rail roads.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Penalty for willful and malicious obstructions of rail roads.

SECTION 1. If any person shall willfully and maliciously displace or disadjust any railway switch or rail, of any rail road, or shall break down, rip up, injure or destroy any rail road track or rail road bridge or any portion thereof, or place any obstruction whatever on any such rail or rail road track or bridge, with intent that any person or property passing on and over such rail road should be injured thereby, and thereby putting in jeopardy human life, every person so offending shall be punished by solitary confinement in the state prison, for a period not less than thirty days, and by confinement afterwards, to hard labor, for a period not less than five years, according to the degree and aggravation of the offense.

SECT. 2. If in consequence of any such willful and malicious displacing, disadjusting, breaking down, ripping up, injuring, des-

trying, or placing of any obstruction, as in the preceding section mentioned, with the intent therein set forth, any person passing on and over said rail road, shall actually suffer any bodily harm or any property shall be injured, such actual suffering and injury shall be decreed and taken as an additional aggravation of the offense and the person offending shall be punished accordingly by such further prolonged confinement to hard labor in the state prison as the circumstances of the case may demand.

CHAP. 198.

If any person shall suffer bodily harm or any property shall be injured.

SECT. 3. If any person shall willfully and maliciously displace or disadjust any railway switch or rail of any rail road, or shall break down, rip up, injure or destroy any rail road track or rail road bridge, or any portion thereof, or place any obstruction whatever on any such rail or rail road track or bridge, with intent that any person or property passing on and over said rail road should be injured thereby, and if in consequence of such willful and malicious displacing, disadjusting, breaking down, ripping up, injuring, destroying or placing of obstructions as aforesaid, any person is killed, or any life or lives lost, every person so offending shall be deemed and taken to be guilty of murder and shall be liable to be indicted and tried for the crime of murder with malice aforethought.

If any person is killed.

SECT. 4. It shall be the duty of the president of every rail road now or which hereafter may be put in operation in this state, to cause a printed copy of this act to be kept constantly hung or posted up in some conspicuous place in each and every one of their several depots and station houses for passengers.

Duty of presidents of rail roads.

SECT. 5. This act shall take effect and be in force from and after its approval by the governor.

[Approved July 30, 1846.]

Chapter 198.

An Act additional to the one hundred and fourteenth chapter of the revised statutes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

The notice directed by the fifty-fourth section of the chapter to which this act is additional, may be given by posting up, in two public places in the town where the goods are attached, a notice of the time and place of the appraisal provided for in the said section, together with the names of the parties in the action on which the goods were attached and of the supposed owner or owners of the

Appraisers to post up notice in two public places of the time and place of sale of certain goods attached.